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Gustavo Siller Jr., Reg. No. 32,305

Name of Applicant, Assignee or
Registered Representative

Signature

October 18, 2006

Date of Signature

Our Case No. 9281-4240

Client Ref. No. J US00142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tomokuni Wauke

Serial No.: 10/042,068

Filing Date: January 8, 2002

For: THIN INNER ROTOR MOTOR FOR
ROTATABLY DRIVING MEDIUM, AND
DISK APPARATUS USING THE SAME

)
)
) Examiner: D.D. Le
)
) Art Unit: 2834
)
)
)

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application Serial No.: 10/042,068 has a patent term adjustment under 35 U.S.C. §154(b) of 4 days as indicated by the PAIR PTA adjustment history, herein attached as Appendix A. U.S. Patent Application 10/042,068 is not subject to a terminal disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment pursuant to 37 CFR § 1.703(a)

Applicants agree with the PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a) of 24 days (the period from 14 months after the filing of the application on January 8, 2002 to the mailing of the first Office Action on April 1, 2003).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on January 8, 2002 as indicated on the Filing Receipt and Express Mail receipt, which are attached as Appendix B and C, respectively. The 3 year date specified in 37 C.F.R. § 1.703(b) is January 8, 2005. The mailing date of Notice of Allowance is July 18, 2006. The Notice of Allowance is attached as Appendix D. The difference between the 3 year date (January 8, 2005) and the mailing date of Notice of Allowance (July 18, 2005) is 556 days.

Applicant's Attorney expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing from the present application. Applicant's Attorney therefore requests re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703 upon identification of the date of issue of the patent of the present application to reflect this delay. With this request, Applicant's Attorney further reserves the right to request reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d) if the term of the issued patent is believed to be extended or adjusted incorrectly.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be

reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

The PTO calculation of the period of reduction under 37 C.F.R. § 1.704(b), as indicated by the PAIR PTA adjustment history, herein attached as Appendix A, is 20 days.

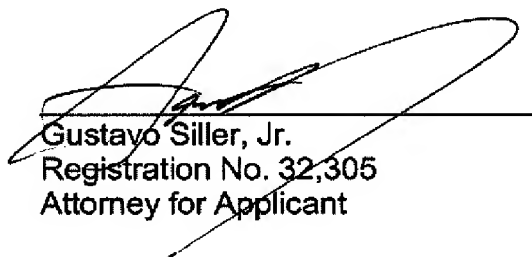
Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus $24 + 556 - 20 = \underline{560 \text{ days}}$.

For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). A check for \$200 covering the petition for PTA appeal is included. However, should any additional fee be required, please charge the fee or credit any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,


Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

APPENDIX

A

Search results as of: 10-12-2006::07:48:00 E.T.

Patent Term Adjustment

Filing or 371(c) Date:	01-08-2002	USPTO Delay (PTO) Delay (days):	24
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	20
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	4
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
07-18-2006	Mail Notice of Allowance		
07-14-2006	Notice of Allowance Data Verification Completed		
07-14-2006	Case Docketed to Examiner in GAU		
06-14-2006	Date Forwarded to Examiner		
06-02-2006	Response after Ex Parte Quayle Action		
04-03-2006	Mail Ex Parte Quayle Action (PTOL - 326)		
03-31-2006	Ex Parte Quayle Action		
01-30-2006	Date Forwarded to Examiner		
01-20-2006	Response after Non-Final Action		1
10-25-2005	IFW TSS Processing by Tech Center Complete		↑
07-31-2002	Reference capture on IDS		↑
01-08-2002	Reference capture on IDS		↑
10-19-2005	Mail Non-Final Rejection		↑
10-17-2005	Non-Final Rejection		
08-10-2005	Examiner Interview Summary Record (PTOL - 413)		
08-08-2005	Date Forwarded to Examiner		
08-01-2005	Request for Continued Examination (RCE)		12
08-08-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		↑
08-01-2005	Request for Extension of Time - Granted		↑
08-01-2005	Workflow - Request for RCE - Begin		↑
07-05-2005	Mail Advisory Action (PTOL - 303)		↑
06-30-2005	Advisory Action (PTOL-303)		↑
06-28-2005	Date Forwarded to Examiner		↑
06-23-2005	Amendment after Final Rejection		↑
04-20-2005	Mail Final Rejection (PTOL - 326)		↑
04-18-2005	Final Rejection		
03-10-2005	Date Forwarded to Examiner		
03-02-2005	Response after Non-Final Action		2
11-29-2004	Mail Non-Final Rejection		↑
11-26-2004	Non-Final Rejection		
11-23-2004	Date Forwarded to Examiner		
11-18-2004	Amendment after Final Rejection		

11-18-2004	Workflow incoming amendment IFW	
09-15-2004	Mail Final Rejection (PTOL - 326)	
09-13-2004	Final Rejection	
08-30-2004	Date Forwarded to Examiner	
08-16-2004	Response after Non-Final Action	
08-16-2004	Workflow incoming amendment IFW	
06-07-2004	Mail Non-Final Rejection	
05-28-2004	Non-Final Rejection	
04-22-2004	Date Forwarded to Examiner	
04-16-2004	Request for Continued Examination (RCE)	
04-22-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
04-16-2004	Workflow incoming amendment IFW	
03-29-2004	Mail Notice of Informal or Non-Responsive RCE Amendment	
03-29-2004	Notice of Informal or Non-Responsive RCE Amendment.	
03-29-2004	Date Forwarded to Examiner	
03-22-2004	Request for Continued Examination (RCE)	5
03-29-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑
03-22-2004	Workflow incoming amendment IFW	↑
03-22-2004	Workflow - Request for RCE - Begin	↑
12-17-2003	Mail Final Rejection (PTOL - 326)	↑
12-08-2003	Final Rejection	
11-04-2003	Date Forwarded to Examiner	
10-03-2003	Response after Non-Final Action	
07-07-2003	Mail Non-Final Rejection	
07-02-2003	Non-Final Rejection	
05-16-2003	Date Forwarded to Examiner	
05-06-2003	Response to Election / Restriction Filed	
04-01-2003	Mail Restriction Requirement	24
03-31-2003	Requirement for Restriction / Election	↑
07-31-2002	Information Disclosure Statement (IDS) Filed	↑
03-07-2002	Case Docketed to Examiner in GAU	↑
01-08-2002	Request for Foreign Priority (Priority Papers May Be Included)	↑
01-08-2002	Information Disclosure Statement (IDS) Filed	↑
02-15-2002	Application Dispatched from OIPE	↑
02-13-2002	Application Is Now Complete	↑
01-25-2002	IFW Scan & PACR Auto Security Review	↑
01-08-2002	Initial Exam Team nn	↑

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APPENDIX B



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/042,068	01/08/2002	2834	1652	9281-4240	10	66	4

CONFIRMATION NO. 3902

FILING RECEIPT



Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Date Mailed: 02/13/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Tomokuni Wauke, Fukushima-ken, JAPAN;

Assignment For Published Patent Application

Alps Electric Co., Ltd.;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2001-001747 01/09/2001
JAPAN 2001-049346 02/23/2001
JAPAN 2001-049350 02/23/2001

If Required, Foreign Filing License Granted 02/12/2002

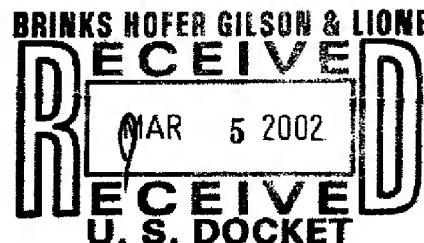
Projected Publication Date: 07/11/2002

Non-Publication Request: No

Early Publication Request: No

Title

Thin inner rotor motor for rotatably driving medium, and disk apparatus using the same



Preliminary Class

310

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

APPENDIX C



POST OFFICE TO ADDRESSEE



EV 005610180 US

ORIGIN (POSTAL USE ONLY)

PO Zip Code 60611	Day of Delivery Next <input checked="" type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date Mo. 1 Day 8 Year 2002	Time in AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>	Postage \$ 1.95
Weight 2 lbs. 8 oz.	Initial Alpha Country Code	Return Receipt Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials AB	COD Fee Insurance Fee
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CHICAGO IL 60610-0395

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FOR PATENTS
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WASHINGTON

DC 20231-9999

9281-4240-Hed1

BOX: PATENT APPLICATION

FOR PICKUP OR TRACKING CALL 1-800-222-1811

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APPENDIX D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

07/18/2006

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

JUL 20 2006
1750 1750

EXAMINER

LE. DANG D

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/18/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,068	01/08/2002	Tomokuni Wauke	9281-4210	3902
TITLE OF INVENTION: THIN INNER ROTOR MOTOR FOR ROTATABLY DRIVING MEDIUM, AND DISK APPARATUS USING THE SAME				

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/18/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

07/18/2006

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/042,068

01/08/2002

Tomokuni Wauke

9281-4230

3902

TITLE OF INVENTION: THIN INNER ROTOR MOTOR FOR ROTATABLY DRIVING MEDIUM, AND DISK APPARATUS USING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/18/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE. DANG D	2834	310-04900R

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,068	01/08/2002	Tomokuni Wauke	9281-4240	3902
7590	07/18/2006		EXAMINER	
			LE, DANG D	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 07/18/2006

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 4 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 4 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/042,068

Examiner

Dang D. Le

Applicant(s)

WAUKE, TOMOKUNI

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the Initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/2/06.
2. ☒ The allowed claim(s) is/are 1-10, 36-67 and 70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Drawings

1. The drawings were received on 1/8/02. These drawings are accepted.

Allowable Subject Matter

2. Claims 1-10, 36-67, and 70 are allowed.
3. The following is an examiner's statement of reasons for allowance: see paper dated 1/20/06.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

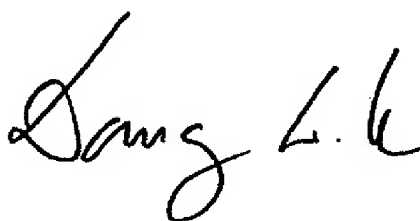
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/11/06



**DANGLE
PRIMARY EXAMINER**